

Strange, Aaron (AU2153)

From: Benson, Carl [CBenson@goodwinprocter.com]

Sent: Tuesday, September 07, 2010 4:01 PM

To: Strange, Aaron (AU2153)

Cc: Scott Jr, Thomas J; Kim, Nicholas J

Subject: RE: Application Serial No. 08/444,788

Examiner Strange,

Your proposed amendment is acceptable to place the application in condition for allowance. Please let us know if you require anything further regarding this application. If not, please enter the amendment as you propose by Examiner's Amendment. As set forth in MPEP 502.03, we recognize that Internet communications are not secure. Accordingly, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

Carl L. Benson

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From: Strange, Aaron (AU2153) [mailto:Aaron.Strange@USPTO.GOV]

Sent: Friday, September 03, 2010 10:14 AM

To: Benson, Carl

Subject: RE: Application Serial No. 08/444,788

I have reviewed the proposed amendment and your remarks. While I do not feel the proposed changes are sufficient to place the application in condition for allowance, I have identified some changes that would be sufficient. I have attached a proposed amendment detailing a claim set that I believe will place the application in condition for allowance. I have reviewed the prior art of record as well as conducted an updated search and would be willing to allow these claims. Take a look at them and let me know if they are acceptable.

I have also reviewed the specification and have located §112 support for the proposed changes at pp. 325-327.

If you have any questions or would prefer to propose additional changes to the claims, let me know. Thank you for your time.

Aaron N. Strange

Patent Examiner

AU2448

RND 9B77

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From: Benson, Carl [mailto:CBenson@goodwinprocter.com]
Sent: Friday, August 20, 2010 4:26 PM
To: Strange, Aaron (AU2153)
Cc: Scott Jr, Thomas J; Kim, Nicholas J
Subject: Application Serial No. 08/444,788

Examiner Strange,

We have reviewed your recent proposed Office action regarding Application Serial No. 08/444,788 and provide the attached proposed amendment intended to clearly distinguish the claimed invention from the cited references including Summers and Lambert. The claimed invention is directed to a transmission station, for example a cable headend transmission station. The crux of the claimed invention is that information associated with mass medium programming, such as information associated with a television commercial, is selected at the transmitter station and included in a transmission with the mass medium programming to the receiver station. In the invention as disclosed, the information selected is different for each transmitter station (such as the data associated with the commercials in section of the specification "Automating U.R. Stations" at page 469 *et seq.*

Neither Summers nor Lambert show or suggest such a transmitter station. Summers is directed to utilizing supplemental data in a television system. The supplemental data is represented by a portion of the television field that is either dark or light. Summers does not contemplate an intermediate transmitter station. The Summers system simply includes a transmitting portion as shown in Figure 1 and a receiving portion as shown in Figure 2. As Summers does not contemplate multiple intermediate transmitter stations, Summers does not show or suggest selecting different data at different intermediate stations. Independent claims 2 and 12 are proposed to be amended to set forth that the transmitter station is an intermediate transmitter station in a network including a plurality of intermediate transmitter stations. To further distinguish the transmitter station as an intermediate transmitter station, these claims are further amended to set forth that the mass medium programming and control signal are received from an origination station. These amendments serve to distinguish the claimed invention from the Summers reference.

Lambert is directed to the insertion of spot messages without the presence of a human operator in a cable system. The Lambert system simply allows scheduled spot messages stored on video tape recorders (such as commercials) to be inserted in a transmission when a tone monitor detects a spot message signal carried in the received video signal. The spot messages of the Lambert system are recorded messages (such as commercials). Claims 2 and 12 are proposed to be amended to set forth that information associated with the mass medium programming is generated at the intermediate transmission station. An example of such generated information is the particular program instruction set information at page 358 *et seq.* of the specification. The generated information is related to the mass medium programming with which is sent, is related to the intermediate station from which it is sent and is different from information generated at a different intermediate transmission stations in the network. Lambert simply shows that spot commercials stored on video tape are inserted at the appropriate times. Lambert does not show or suggest that any data of the commercial is generated at the transmission station. Lambert does not show or suggest that the inserted commercials are related to the program material into which they are inserted. Lambert also does not show or suggest that the inserted commercials are related to the transmission station.

One of ordinary skill in the art would not find the claimed invention obvious in view of the combination of Summers and Lambert. There is no reason that one of ordinary skill in the art would have combined features of the Summers transmitting portion, in which a supplemental data signal is entered into the system and applied to a video signal, with features of the Lambert system for the automatic insertion of spot messages. The Summers system contemplates an operator where the programming is generated to input supplemental data through a keyboard. The Lambert system is designed to retransmit programming with spot messages without the presence of a human operator. Neither system suggests the generation of information at an intermediate transmitter station and there is no reason to combine the teachings of Summers and Lambert to arrive at a system which does generate information at an intermediate transmitter station. Even if Summers and Lambert are combined in such a manner as to generate information at an intermediate transmitter station, such information would not be related to the mass medium programming with which it is transmitted and would not be different from information generated at other intermediate transmitter stations.

The prior art, including Summers and Lambert, does not show information associated with mass programming generated at an intermediate transmission station which is associated with the mass medium transmission and the intermediate transmission such that the generated information is different from the information generated at other intermediate transmitter stations.

Please let us have any questions or comments regarding this proposed amendment. As set forth in MPEP 502.03, we recognize that Internet communications are not secure. Accordingly, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

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